

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRY LONE WOLF FORD,

Plaintiff,

V.

**PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,**

Defendant.

[illegible]

CIVIL NO. 3:CV-04-0446

(Judge Caputo)

ORDER

Plaintiff, Harry Lone Wolf Ford, formerly¹ an inmate at the Greene State Correctional Institution (“SCI-Greene”) in Waynesburg, Pennsylvania, commenced this *pro se* action with a civil rights complaint filed pursuant to the provisions of 42 U.S.C. § 1983. Defendants are the Pennsylvania Board of Probation and Parole (“PBPP”) and parole agent Linda Thompson. Plaintiff claims that Defendants denied parole because of his native American heritage.

Plaintiff has failed to respond to Thompson's discovery request. Thompson filed a motion with this Court seeking an Order compelling Plaintiff to respond to her discovery. By Order dated June 2, 2005 (Doc. 21), Thompson's motion was granted, and the Court directed Plaintiff to answer Thompson's interrogatories within ten (10) days from the date of the Order. Presently before the Court is Thompson's motion to dismiss (Doc. 23) Plaintiff's

¹Although Plaintiff has not filed an appropriate notification, the Court has learned that Plaintiff was released from incarceration and is now residing at P.O. Box 795, Pottsville, Pennsylvania.

complaint for failure to comply with the Court's June 2, 2005 Order. Thompson filed a brief in support of the motion, and Plaintiff has failed to respond.

Rule 41 of the Federal Rules of Civil Procedure authorizes a defendant to move for dismissal of an action for failure of the Plaintiff "to comply with . . . any order of court . . ." FED.R.CIV.P. 41(b). Based on his failure to take any action in response to the Court's Order compelling discovery responses or in response to Thompson's motion for involuntary dismissal, it would appear that Plaintiff may have abandoned interest in pursuing this matter. However, the Court will grant additional time for the Plaintiff to comply with the Court's Order of June 2, 2005 and direct him to comply with the Order on or before October 14, 2005, and send a certificate of service to the Court verifying such compliance. If Plaintiff fails to comply with the Court's Order of June 2, 2005 and file the requisite certificate of service, the Court will grant Defendant's motion to dismiss Plaintiff's complaint with prejudice, for failure to comply with a court order under FED.R.Civ.P. 41(b).

AND NOW, THEREFORE, THIS 4th DAY OF OCTOBER, 2005, IT IS HEREBY ORDERED THAT Plaintiff shall comply with the Court's June 2, 2005 Order (Doc. 21) on or before October 14, 2005, and send a certificate of service to the Court verifying such compliance. If Plaintiff fails to comply with the Court's Order of June 2, 2005 and he fails to file the requisite certificate of service, the Court will grant Defendant's unopposed motion to dismiss Plaintiff's complaint with prejudice, for failure to comply with a court order under FED.R.Civ.P. 41(b).

/s/ A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge